

AMENDED IN ASSEMBLY JUNE 18, 2003

**SENATE BILL**

**No. 85**

**Introduced by Senator Torlakson**

January 23, 2003

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An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 85, as amended, Torlakson. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, Los Angeles County, Santa Barbara County, and Marin County, subject to approval by the county board of supervisors and other limitations, *including, but not limited to, the accordance of those benefits and allowances to a surviving dependent child, if any, until 19 years of age or until married, or 22 years of age if attending an educational institution.*

This bill would *instead accord those benefits and allowances to a domestic partner when the surviving dependent child, if any, turns 18 years of age, or 22 years of age if attending an educational institution. The bill would also make those provisions listed above applicable to all counties in California.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 31780.2 of the Government Code is  
2 amended to read:

3 31780.2. (a) Any benefits accorded to a spouse pursuant to  
4 this article and Article 11 (commencing with Section 31760),  
5 Article 15.5 (commencing with Section 31841), Article 15.6  
6 (commencing with Section 31855), and Article 16 (commencing  
7 with Section 31861), or any of them, may be accorded to a  
8 domestic partner, as defined in Section 297 of the Family Code,  
9 who is registered with the Secretary of State pursuant to Division  
10 2.5 (commencing with Section 297) of the Family Code. The  
11 county may also require the member and the member's domestic  
12 partner to have a current Affidavit of Domestic Partnership, in the  
13 form adopted by the county board of supervisors, on file with the  
14 county for at least one year prior to the member's retirement or  
15 death prior to retirement.

16 (b) In the event a member described in subdivision (a) has a  
17 surviving dependent child, the surviving dependent child shall  
18 receive the death and survivor's allowance until ~~age 19 years~~ 18  
19 *years of age* or until married, whichever occurs earlier, or until ~~age~~  
20 ~~22 years~~ 22 *years of age* if attending an educational institution.  
21 When the member's surviving dependent child reaches ~~age 19~~  
22 ~~years~~ 18 *years of age* or is no longer a dependent, whichever  
23 occurs earlier, or reaches ~~age 22 years~~ 22 *years of age* if attending  
24 an educational institution, then the benefits accorded to a spouse,  
25 as specified in subdivision (a), may be accorded to a domestic  
26 partner pursuant to this section. However, if a surviving dependent  
27 child elects to receive a lump-sum payment, the lump-sum  
28 payment shall be shared among any surviving dependent children  
29 and the domestic partner, pursuant to this section, in a proportional  
30 manner.

31 (c) This section is not operative unless and until the county  
32 board of supervisors, by resolution adopted by a majority vote,  
33 makes this section operative in the county.

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